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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,402	01/07/2002	Takeshi Anzai	8004-1001	3621

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EXAMINER

FOSTER, ROLAND G

ART UNIT PAPER NUMBER

2645

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,402

Applicant(s)

ANZAI, TAKESHI

Examiner

Roland G. Foster

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Multiple.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

12/10/04
9/23/04
11/03/03

DETAILED ACTION

Priority

The English translation of the foreign priority papers, filed and made of record by the applicant, were sufficient to overcome the examiner's prior rejection over U.S. Patent Application Publication No. 2003/0028380 ("Freeland"). See MPEP § 201.15. Accordingly, the examiner's rejections based upon Freeland have been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 7, and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,959,543 ("LaPorta"), newly cited.

With respect to claim 1, LaPorta discloses a first input device (Fig. 13) corresponding to the first set of keys for inputting characters to form character data for electronic messages addressed to various recipients (email) (Fig. 3) and a second input device (Fig. 13) corresponding to the second set of keys for inputting additional expression data (rich text formatting characters such as "\bold") for the character data.¹ The additional expression data give a variation (e.g.,

¹ Interpreting the first input device to be a first set of keys and the second input device to be a second set of keys, where both sets are from the same keypad is consistent with the applicant's claims (e.g., see claim 2). The interpretation is also reasonably broad and also consistent with the applicant's specification. For example, the

bold text as discussed above) of the respective characters. The "transmission data generator" reads on the various user agents (Fig. 3), which generate transmission data for transmission of the message to each recipient (e.g., Dan, Mary, and Paul) by linking the received character and additional expression (rich text) data and by converting the character data (received in short code format) into a full message appropriate for the type of device that the user agent serves (e.g., pager, computer, telephone) (Fig. 3, col. 5, l. 64 – col. 6, l. 37). Finally, LaPorta discloses a radio device (base stations 76) for transmitting the transmission data from the user agent to the wireless recipients (Fig. 4).

Claim 6 is merely directed to the recipient's receiving device, which receives the transmitted character data and additional expression data entered by the message originator (as discussed in claim 1) and then uses this data to generate the message. Thus, many of the limitations clearly read on LaPorta. See the claim 1 rejection for additional details. Note also that the receiving device also comprises a display device for displaying image data in accordance with expression data, including the characters of the character data according to the additional expression data (e.g., text in boldface type) (Fig. 3 and col. 9, l. 48 – col. 10, l. 40).

Claim 9 combines the limitations from claims 1 and 6, thus see the claims 1 and 6 rejections above for further details.

With respect to claims 2 and 10, see the claim 1 rejection including footnote 1.

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With respect to claims 3 and 11, the input device is also a telephone (Fig. 3), which comprises a microphone.

With respect to claims 4, 7, 12, and 13, bold face font represents variations in size and font. See the claim 1 rejection for further details.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 8, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta as applied to claims 1, 6, and 9 above, and further in view of U.S. Patent No. 5,860,064 ("Henton"), newly cited.

Although LaPorta teaches that text messages are converted into speech data via the telephone user agent, LaPorta fails to disclose that the additional expression data represents at least one of tone, stress, accent, and intonation of a voice to be generated according to the respective characters of the character data.

device) and the second set of keys 17 (second input device) (page 13, lines 1-13 and Fig. 8).

However, Henton teaches (similarly to LaPorta) of a system for marking of character data with additional expression data for the character data, namely text-to-speech "emotion" parameter data (e.g., abstract and Fig. 2-4). The additional emotion expression data is applied to any portion of text (col. 5, l. 60 – col. 6, l. 5) and includes tone and stress (volume) (col. 10, Table 2) as well as intonation (which can be considered a combination of pitch, duration, and amplitude) (col. 3, ll. 6-10).

To one of ordinary skill in the art at the time the invention was made, it would have been obvious to add the use of additional expression data to control tone, stress, and intonation during text-to-speech conversion as taught by Henton (directed to a system for marking character data with additional expression data) to the text-to-speech conversion process of LaPorta (also directed to a system for marking character data with additional expression data).

The suggestion/motivation for doing so would have been that text-to-speech systems (such as LaPorta) "usually incorporate rules for application of intonational attributes for the text submitted for synthetic output" and "prior art speech synthesizers have provided for the customization of...intonation of synthetic speech" (Henton, col. 1, lines 49-65). Thus, one of ordinary skill would have been motivated to add the text-to-speech "customization" as taught by Henton above to the text-to-speech of LaPorta. Further, the text-to-speech customization of Henton (i.e., additional tone, stress, and intonation expression data for the text character data) would have increased the text-to-speech accuracy of LaPorta because avoiding "robotic, wooden, and otherwise unnatural" syntheses (Henton, col. 1, lines 35-40).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland G. Foster whose telephone number is (571) 272-7538.

The examiner can normally be reached on Mon to Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. On July 15, 2005, the Central FAX Number will change to 571-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roland G. Foster
Primary Patent Examiner
June 22, 2005